

12-17-01

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | | |
|------------------------|--|---------------|
| Attorney Docket No. | Implex-18 | |
| First Inventor | Robie et al. | |
| Title | Instrument and System for Preparing the Disc Space Between ... | |
| Express Mail Label No. | | EV043786139US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages **19**]
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets **4**]
5. Oath or Declaration [Total Pages **4**]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement
(when there is an assignee) Power of Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17. Other:

18. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____ /

Prior application information: Examiner _____ Group / Art Unit _____

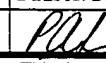
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Label _____ or Correspondence address below

(Insert Customer Number or Bar Code Label here)

| | | | |
|---------|-------------------------|----------|--|
| Name | 28581 | | |
| | PATENT TRADEMARK OFFICE | | |
| Address | | | |
| City | State | Zip Code | |
| Country | Telephone | Fax | |

Name (Print/Type) **Paul A. Schwarz**Registration No. (Attorney/Agent) **37,577**Signature Date **December 13, 2001**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

110-10/01565

12/13/01

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$632.00

Complete if Known

| | |
|----------------------|--------------|
| Application Number | Herewith |
| Filing Date | Herewith |
| First Named Inventor | Robie et al. |
| Examiner Name | TBA |
| Group Art Unit | TBA |
| Attorney Docket No. | Implex-18 |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **04-1679**
Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

Applicant claims small entity status. See 37 CFR § 1.27

2. Payment Enclosed:
 Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity
Fee Fee Fee Fee Description

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid | |
|---------------|---------------|-----------------|---------------------------|---------------|
| 101 | 740 | 201 | 370 Utility filing fee | 370.00 |
| 106 | 330 | 206 | 165 Design filing fee | |
| 107 | 510 | 207 | 255 Plant filing fee | |
| 108 | 740 | 208 | 370 Reissue filing fee | |
| 114 | 160 | 214 | 80 Provisional filing fee | |
| SUBTOTAL (1) | | | \$370.00 | |

2. EXTRA CLAIM FEES

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|-------------------|-----------------|
| Total Claims | 40 | -20** = 20 X 9.00 | = 180.00 |
| Independent Claims | 4 | - 3** = 1 X 42.00 | = 42.00 |
| Multiple Dependent | | | |

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | |
|---------------|---------------|-----------------|--|
| 103 | 18 | 203 | 9 Claims in excess of 20 |
| 102 | 84 | 202 | 42 Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | \$222.00 | |

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **\$40.00**

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|-------------------|
| Name (Print/Type) | Paul A. Schwarz | Registration No. (Attorney/Agent) | 37,577 | Telephone | 609-919-4408 |
| Signature |  | | | Date | December 13, 2001 |

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"EXPRESS MAIL CERTIFICATE"

"Express Mail" mailing label number: EV043786139US

Date of Deposit: December 13, 2001

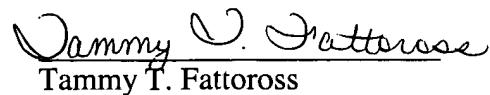
Title of Invention: INSTRUMENT AND SYSTEM FOR PREPARING THE DISC
SPACE BETWEEN TWO VERTEBRAL BODIES

Inventors: ROBIE, Bruce; ZUBOK, Rafael; BLOUIN, Felix

Type of Documents:

1. Utility Patent Application Transmittal;
2. Fee Transmittal;
3. Utility Patent Application consisting of 10 pages of specification, 8 pages of claims, 1 page of Abstract, and 4 pages drawings;
4. Declaration and Power of Attorney (executed);
5. Information Disclosure Statement;
6. PTO – Form 1449;
7. IDS References;
8. Assignment;
9. Assignment Recordation
10. Acknowledgment Postcard; and,
11. "Express Mail" Certificate.

I hereby certify that this paper and fee are being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, "Box Application," U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, Virginia 22202.


Tammy T. Fattoross